

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON
HERBERT ANTHONY GREEN; KHADAFY MANNING;
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER, individually and on
behalf of a class of all other similarly situated,**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17-cv-347 WHB LRA

**MADISON COUNTY, MISSISSIPPI; SHERIFF
RANDALL C. TUCKER, in his official capacity; and
MADISON COUNTY SHERIFF'S DEPUTIES JOHN
DOES #1 through #6, in their individual capacities,**

DEFENDANTS

UNOPPOSED MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

Defendants, Madison County, Mississippi, and Sheriff C. Randall Tucker (collectively “Defendants”), by and through counsel, move the Court for leave to file their Statement of Facts and attached Exhibits A and B, which support their [Dkt. #212] Memorandum in Support of Motion for Summary Judgment as to Individual and Class Based Claims of Plaintiff, Steven Smith, under seal and in support hereof would show unto the Court the following:¹

1. On March 7, 2018, Defendants filed a [Dkt. #212] Memorandum Brief in Support of their [Dkt. # 211] Motion for Summary Judgment as to Individual and Class Based Claims of Plaintiff, Steven Smith in this matter. The Statement of Facts for Defendants’ Memorandum relies on portions of Steven Smith’s deposition (Exhibit A) and his Supplemental Responses and Objections to Interrogatories (Exhibit B) he provided to Defendants. Steven Smith’s deposition

¹ Defendants respectfully request that this Court waive the requirement of a Memorandum Brief in Support of this motion given the simplicity and clarity of the relief Defendants seek.

transcript and his Supplemental Interrogatory Responses cannot be attached to Defendants' filed Memorandum because either portions of or all of these discovery pleadings have been marked "confidential" by his counsel of record pursuant to the stipulated protective order entered by the Court. *See* [Dkt. #32].

2. Defendants respectfully request that the Court allow their Statement of Facts and its attached Exhibits to be conventionally filed under seal because sealing is consistent with the protected nature of these documents, as Plaintiffs' counsel have designated specific portions of Smith's deposition and his entire Supplemental Responses and Objections to Defendants' Interrogatories as confidential pursuant to the stipulated protective order.

3. Counsel for Defendants have conferred with the attorneys for Plaintiffs and have confirmed that they do not oppose the sealing of the Statement of Facts, along with its Exhibits.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing the conventional filing under seal of their Statement of Facts with accompanying Exhibits, which support Defendants' Memorandum in Support of Motion for Summary Judgment as to Individual and Class Based Claims of Plaintiff, Steven Smith.

This the 7th day of March, 2018.

Respectfully submitted,

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

By: /s/ Rebecca B. Cowan
Rebecca B. Cowan (MSB #7735)

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CERTIFICATE OF SERVICE

I, Rebecca B. Cowan, do hereby certify that I have this day, electronically filed the above and foregoing with the Clerk of the Court using the ECF system which will automatically provide e-mail notification of said filing upon the following:

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So, certified this the 7th day of March, 2018.

/s/ Rebecca B. Cowan
Rebecca B. Cowan